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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-11 are pending in the application.

Claims 1-11 have been rejected.

Claims 1, 3-8, 10 and 11 have been amended.

Claims 2 and 9 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicant reserves all rights in these claims to file divisional and/or continuation patent applications.

New claim 12 has been added in order to further define what the Applicant considers to be the invention. Applicant respectfully asserts that no new matter has been added.

Applicant respectfully asserts that the amendments to the claims add no new matter.

Drawings Rejections

The drawings have been objected to for not showing every feature of the invention specified in the claims. The features not shown in the drawings have been cancelled from the claims. Therefore, this rejection is now moot.

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CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 1-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-11 have been amended to overcome the failures indicated by the Examiner. Applicant respectfully asserts that these amendments render claims 1-11 proper under 35 USC 112 and request that the rejections be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 102(b), as being anticipated by Boeckmann et al. (US 4,949,527). Applicant respectfully traverses this rejection in view of the remarks that follow.

Claim 2 has been canceled without prejudice or disclaimer.

Boeckmann et al. does not teach or suggest and the Examiner does not suggest that Boeckmann et al. teaches or suggests at least "a zipper handle for manually engaging and disengaging said sealing edges" as recited in amended independent claim 1. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Boeckmann et al. cannot anticipate claim 1, as amended. Accordingly, Applicant respectfully asserts that amended independent claim 1 is allowable.

Claims 3 and 4 depend from, directly or indirectly, claim 1, and therefore include all the limitations of this claim. At least for this reason, Applicant respectfully asserts that claims 3 and 4 are likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to amended independent claim 1 and to claims 3 and 4 dependent thereon.

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In the Office Action, the Examiner rejected claims 1-5 and 7-11 under 35 U.S.C. § 102(b), as being anticipated by Ausnit (US 4,691,373). Applicant respectfully traverses this rejection in view of the remarks that follow.

Claims 2 and 9 have been canceled without prejudice or disclaimer.

With respect to claims 1 and 8, as amended, Ausnit does not teach or suggest and the Examiner does not suggest that Ausnit teaches or suggests at least “a zipper handle for manually engaging and disengaging said sealing edges” as recited in amended independent claims 1 and 8. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Ausnit cannot anticipate claims 1 and 8, as amended. Accordingly, Applicant respectfully asserts that amended independent claims 1 and 8 are allowable.

Claims 3, 4, 10 and 11 depend from, directly or indirectly, claim 1 and 8 respectively, and therefore include all the limitations of those claims. At least for this reason, Applicant respectfully asserts that claims 3, 4, 10 and 11 are likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to amended independent claims 1 and 8 and to claims 3, 4, 10 and 11 dependent thereon.

With respect to claim 5, as amended, Ausnit does not teach or suggest and the Examiner does not suggest that Ausnit teaches or suggests at least “attaching a resealable closure substantially over said cut, said resealable closure having a zipper handle; and resealing said closure by means of said zipper handle” as recited in amended independent claim 5. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Ausnit cannot anticipate claim 5, as amended. Accordingly, Applicant respectfully asserts that amended independent claim 5 is allowable.

Claims 6 and 7 depend from, directly or indirectly, claim 5, and therefore include all the limitations of this claim. At least for this reason, Applicant respectfully asserts that claims 6 and 7 are likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to amended independent claim 5 and to claims 6 and 7 dependent thereon.

In the Office Action, the Examiner rejected claims 1-3 and 5-10 under 35 U.S.C. § 102(b), as being anticipated by Ausnit (US 4,191,230). Applicant respectfully traverses this rejection in view of the remarks that follow.

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Claims 2 and 9 have been canceled without prejudice or disclaimer.

With respect to claims 1 and 8, as amended, Ausnit does not teach or suggest and the Examiner does not suggest that Ausnit teaches or suggests at least "a thin flexible material having attachable area and unattachable area to be placed over an opening in a package" as recited in amended independent claims 1 and 8. Additionally, Ausnit does not teach or suggest and the Examiner does not suggest that Ausnit teaches or suggests at least "a zipper handle for manually engaging and disengaging said sealing edges" as recited in amended independent claims 1 and 8. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Ausnit cannot anticipate claims 1 and 8, as amended. Accordingly, Applicant respectfully asserts that amended independent claims 1 and 8 are allowable.

Claims 3 and 10 depend from, directly or indirectly, claim 1 and 8 respectively, and therefore include all the limitations of those claims. At least for this reason, Applicant respectfully asserts that claims 3 and 10 are likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to amended independent claims 1 and 8 and to claims 3 and 10 dependent thereon.

With respect to claim 5, as amended, Ausnit does not teach or suggest and the Examiner does not suggest that Ausnit teaches or suggests at least "attaching a resealable closure substantially over said cut, said resealable closure having a zipper handle; and resealing said closure by means of said zipper handle" as recited in amended independent claim 5. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Ausnit cannot anticipate claim 5, as amended. Accordingly, Applicant respectfully asserts that amended independent claim 5 is allowable.

Claims 6 and 7 depend from, directly or indirectly, claim 5, and therefore include all the limitations of this claim. At least for this reason, Applicant respectfully asserts that claims 6 and 7 are likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to amended independent claim 5 and to claims 6 and 7 dependent thereon.

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In the Office Action, the Examiner rejected claims 1, 5, 6 and 8 under 35 U.S.C. § 102(a) and 35 U.S.C. § 102(e), as being anticipated by Vassallo (US 6,457,863). Applicant respectfully traverses this rejection in view of the remarks that follow.

With respect to claims 1 and 8, as amended, Vassallo does not teach or suggest and the Examiner does not suggest that Vassallo teaches or suggests at least "a thin flexible material having attachable area and unattachable area to be placed over an opening in a package" as recited in amended independent claims 1 and 8. Additionally, Vassallo does not teach or suggest and the Examiner does not suggest that Vassallo teaches or suggests at least "a zipper handle for manually engaging and disengaging said sealing edges" as recited in amended independent claims 1 and 8. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Vassallo cannot anticipate claims 1 and 8, as amended. Accordingly, Applicant respectfully asserts that amended independent claims 1 and 8 are allowable.

With respect to claim 5, as amended, Vassallo does not teach or suggest and the Examiner does not suggest that Vassallo teaches or suggests at least "attaching a resealable closure substantially over said cut, said resealable closure having a zipper handle; and resealing said closure by means of said zipper handle" as recited in amended independent claim 5. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Vassallo cannot anticipate claim 5, as amended. Accordingly, Applicant respectfully asserts that amended independent claim 5 is allowable.

Claim 6 depends from, directly or indirectly, claim 5, and therefore include all the limitations of this claim. At least for this reason, Applicant respectfully asserts that claim 6 is likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to amended independent claim 5 and to claim 6 dependent thereon.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the

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prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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Dated: October 26, 2006

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